

1 MICHAEL L. RUGEN (Bar No. 85578)
DANIEL J. DUNNE (admitted *pro hac vice*)
2 JOSHUA HILL (Bar No. 250842)
HELLER EHRMAN LLP
3 333 Bush Street
San Francisco, CA 94104-2878
4 Telephone: +1 (415) 772-6000
Facsimile: +1 (415) 772-6268
5 Michael.Rugen@hellerehrman.com
Daniel.Dunne@hellerehrman.com
6 Joshua.Hill@hellerehrman.com

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8 *Attorneys for Defendants Luminent Mortgage*
Capital, Inc., S. Trezevant Moore, Jr.,
Christopher J. Zyda, and Gail Seneca
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 IN RE LUMINENT MORTGAGE CAPITAL, INC.
14 SECURITIES LITIGATION,

15 This Document Relates To:
16 ALL ACTIONS

Case No.: C-07-04073 PJH

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Date: July 2, 2008

Time: 9:00 a.m.

Trial Date: None Set

The Honorable Phyllis J. Hamilton

1 On March 31, 2008, defendants Luminent Mortgage Capital, Inc., S. Trezevant Moore, Jr.,
2 Gail Seneca, and Christopher J. Zyda (collectively, "Defendants") filed a Notice of Motion and
3 Motion to Dismiss the Consolidated Class Action Complaint in this action pursuant to Rule
4 12(b)(6) of the Federal Rules of Civil Procedure. Having considered the Notice of Motion and
5 Motion, the supporting Memorandum of Points and Authorities, the Request for Judicial Notice, all
6 pleadings and papers filed herein, oral argument of counsel, and good cause appearing therefor,
7 Defendants' motion is hereby GRANTED.

8 IT IS HEREBY ORDERED that this action is hereby ordered dismissed with prejudice.

9 IT IS SO ORDERED.

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11 Dated: _____

12 The Honorable Phyllis J. Hamilton
13 UNITED STATES DISTRICT JUDGE
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